

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID R. KITTAY,

Plaintiff,

-v-

JOSEPH KORFF,

Defendant.

Case No. 08 CV 7421 (RPP)

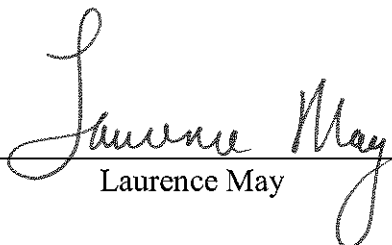
**DECLARATION
OF LAURENCE MAY**

LAURENCE MAY declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am fully familiar with all of the facts and circumstances contained in this declaration.
2. I am and have been a partner of Cole, Schotz, Meisel, Forman & Leonard, P.A. ("Cole Schotz") during all relevant times covered by this declaration.
3. I have reviewed our firm's records, and they show that Cole Schotz was not retained to represent Mr. Korff in this matter until on or about February 18, 2008 when Mr. Korff returned a signed engagement letter to the firm. The retainer letter was dated December 6, 2007 but a signed copy was not received by Cole Schotz until the latter part of February 2008. Prior to our retention, we did not represent Mr. Korff in any proceeding brought by David R. Kittay. In connection with this affidavit, I reviewed firm emails, including an email of February 17, 2008 in which I explained to Mr. Korff that we could not ask for an extension of his time to respond to the complaint in this case because we had not yet been retained.

4. My prior declaration in this proceeding in support of my firm's motion to withdraw stating that we were retained on or about December 6, 2007 was based on the date of the retainer agreement. As stated above, we were not in fact retained until February 2008.

Executed on November 23, 2010



Laurence May